

EXHIBIT 3

FILED IN DISTRICT COURT
OKLAHOMA COUNTYIN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

NOV 30 2020

RICK WARREN
COURT CLERK

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Marla Kirkpatrick,

Plaintiff,

v.

American Multi-Cinema, Inc.,

Defendants.

Case No.:

Judge:

CJ-2020-5693

PETITION

Marla Kirkpatrick, by and through her attorneys of record, Dustin A. Bradley and Eric S. Loggin of Bradley & Loggin, PLLC, and for her cause of action against American Multi-Cinema, Inc. ("AMC") alleges and states that:

I. PARTIES, JURISDICTION AND VENUE

1. Marla Kirkpatrick is a resident of Oklahoma County, State of Oklahoma.
2. American Multi-Cinema, Inc. is a for profit corporation that operates movie theaters and regularly transacts business in Oklahoma County, State of Oklahoma. AMC can be served with this Petition and a summons by way of its registered agent, Corporate Creations Network, Inc., located at 601 S. Boulder Avenue, Suite 600, Tulsa, Oklahoma 74119.
3. AMC operated AMC Classic Northpark 7 ("AMC Northpark") located at Northpark Mall at or about 12100 N. May Avenue, Oklahoma City, Oklahoma 73156.
4. The acts and omissions giving rise to the claims herein occurred in Oklahoma County, State of Oklahoma and this Court has personal jurisdiction over all parties and all claims herein.
5. Pursuant to 12 O.S. § 130, venue in this case is proper in Oklahoma County, State of Oklahoma.

II. FACTUAL CLAIMS

Plaintiff alleges and incorporates by reference the allegations and statements contained in Paragraphs 1 - 5, and further alleges as follows:

6. On or about April 14, 2019, Plaintiff, Marla Kirkpatrick, was an invitee on the premises of the AMC Northpark where she watched a movie with an acquaintance.
7. At the conclusion of the movie credits, Ms. Kirkpatrick and her friend attempted to leave the theater.
8. Ms. Kirkpatrick fell and suffered serious and permanent injury.

III. CAUSES OF ACTION

Plaintiff alleges and incorporates by reference the allegations and statements contained in Paragraphs 1 - 8, and further alleges as follows:

First Claim for Relief – Negligence

9. At all times relevant, AMC had a duty to maintain AMC Northpark in a safe manner and to warn invitees of known hazards.
10. AMC is responsible for the condition of AMC Northpark and the safety of invitees.
11. By and through its employees and agents, AMC negligently failed to maintain and operate AMC Northpark in a safe manner, free of hazards and failed to warn Ms. Kirkpatrick of hazards and/or dangers known to AMC.
12. As a direct and proximate result of AMC's negligence, Ms. Kirkpatrick suffered a fall and sustained injury.

Second Claim for Relief – Respondeat Superior/Vicarious Liability

13. At all times relevant, employees and agents for AMC were acting within the course and scope of their employment and/or on behalf of AMC.

14. AMC is liable for the acts and omissions of its employees working in the course and scope of their respective employment with AMC.
15. Employees or agents of AMC negligently failed to maintain and operate AMC Northpark in a safe manner and failed to warn Ms. Kirkpatrick of hazards and/or dangers known to AMC.
16. As a direct and proximate result of AMC's negligence, Ms. Kirkpatrick suffered a fall and sustained injury.

Third Claim for Relief – Negligent Training

17. At all times relevant, AMC had a duty to train its employees in a manner calculated to prevent harm to invitee, including Ms. Kirkpatrick.
18. AMC breached its duty to Ms. Kirkpatrick.
19. By failing to adequately train its employees, AMC Northpark was negligently maintained and operated and Ms. Kirkpatrick was not warned of hazards and/or dangers known to AMC.
20. As a direct and proximate result of AMC's, Ms. Kirkpatrick suffered a fall and sustained injury.

IV. DAMAGES

Plaintiff alleges and incorporates by reference the allegations and statements contained in Paragraphs 1 - 20, and further alleges as follows:

21. As a direct and proximate result of the negligence of AMC, its employees and agents, Ms. Kirkpatrick has suffered and will continue to suffer from injuries and damages, economic and non-economic, including, but not limited to, physical pain and suffering, emotional

and mental pain and suffering, scarring and disfigurement, loss of enjoyment, expenses of necessary medical care, treatment and services.

22. The conduct of AMC, and its employees and agents, was sufficiently willful, wanton and in reckless disregard for the rights of others, including Ms. Kirkpatrick, that it justifies an award of punitive damages in order to deter it, and other similarly situated actors, from so acting in the future.

V. PRAYER FOR RELIEF

WHEREFORE, premises considered, Plaintiff, Marla Kirkpatrick, prays for judgment against Defendant, American Multi-Cinema, Inc., in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, plus punitive damages, attorney fees, court costs, statutory interest and any other relief the Court finds equitable and just.

Respectfully Submitted,

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Jury Trial Demanded